IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 12020 of 2004

Between:

Ch.Srinivas Reddy S/o Chinnam Reddy
Kowdipally village, post & Mandal, Medka District .

..... PETITIONER

AND

1 The Commissioner, Qutabullapur Municipality Qutubullapur R.R.district
2 K.M.Pandu S/o Manikyam
Qutubullaper R.R.District
3 M.Balamani W/o M.B.Krishan
Qutubullapur, R.R.District
4 M.Kumar S/o M.Balraj
2-57, Qutubullapur, R.R.District
5 M.Swamy S/o M.Balraj
2-57, Qutubullapur, R.R.District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ order or direction more one in the nature of Writ of Mandamus or direction declaring the action of the respondents No.1 in not giving construction permission to the petitioner after collecting necessary charges i Contrary, to law and further direct the respondent No.1 to give construction permission in respect of Plot No.14 and 15 in Sy.No.44/A, situated at Quaubullapuram , R.R.District.

Counsel for Petitioner:MR.VIJAY B.PAROPAKARI

Counsel for Respondent No.1: MR.THIMMA REDDY

Counsel for Respondent No.2:MR.GADE VENKATESWARA RAO

Counsel for Respondent NO.3: MR.P.SUBBA RAO

This Court at the stage of admission made the following :

-

-

-

-

-

ORDER

This Writ Petition is filed seeking to issue a writ of Mandamus directing the first respondent to accord construction permission in respect of Plot No.14 and 15 in Sy.No.44/A, situated at Qutubullapura, Ranga Reddy District.

None appears for the petitioner. Heard the learned counsel for the respondents.

It is not in dispute that the petitioner purchased the property in question under the registered sale deed dated 27.10.2003. It is the case of the petitioner that his vendors got the property on the basis of the compromise entered into between the co-sharers and parties to the partition suit in O.S.No.43 of 1995 on the file of I Additional Senior Civil Judge, R.R. District. In pursuance of sale, the petitioner made an application seeking permission for construction in the property and the same was rejected on 06.12.2003. Another application dated 11.06.2004 submitted by the petitioner was re-examined by the Commissioner-the first respondent herein and by a detailed order dated 25.6.2004 the petitioner was informed that the grant of permission to the petitioner would be considered after the disposal of the suit in O.S.No. 1410 of 2003 pending on the file of I Additional Senior Civil Judge, R.R. District, wherein the civil Court in I.A.No. 3040 of 2003 granted interim injunction restraining the parties not to make any constructions over the 40% share out of Ac. 1.02 guntas of land in Sy.No.44/A. Another application dated 28.6.2004 submitted by the petitioner was also rejected on 03.07.2004 by the first respondent mentioning the reasons in detail.

Having regard to the facts and circumstances of the case, the petitioner is directed approach the civil Court and obtain necessary clarification from that Court in the pending suit in O.S.No.1410 of 2003 on the file of the I Additional Senior Civil Judge, R.R. District, and thereafter approach the first respondent for grant of permission.

The writ petition is accordingly disposed of. No order as to costs.

_____

A. GOPAL REDDY. J.

28th September, 2004

tsr.

To

1 The Commissioner, Qutabullapur Municipality Qutubullapur R.R.district

2 Two CD copies.